

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on April 23, 2003, and the references cited therewith.

Claims 63 and 65-69 are amended. No claims are canceled or added. As a result, claims 62-69 and 76 are now pending in this application.

#### **Amendments to Claims 63 and 65-69**

Applicant has amended claims 63 and 65-69 to place these formerly dependent claims into independent form. The amendments consist of incorporating all of the limitations of base claim 62 into each of claims 63 and 65-69 (no claims were intervening). No limitations were added or removed, as a result of these amendments.

#### **Double Patenting Rejection**

Claims 62-69 & 76 were rejected under the judicially created doctrine of double patenting over claims 1-18 of U.S. Patent No. 6,153,468. The patent is commonly owned with this Application. Along with this Response, Applicant is filing a Terminal Disclaimer in compliance with 37 CFR 1.321(c). Applicant believes that the Terminal Disclaimer is sufficient to overcome the Examiner's rejection, and respectfully requests that the Examiner consider and accept the Terminal Disclaimer, and withdraw the rejection.

#### **Information Disclosure Statements**

The Office Action states that the Information Disclosure Statements (IDSs) filed by Applicant between May 29, 2001 through May 7, 2002 fail to comply with 37 CFR 1.98(a)(3), because they do not include concise explanations of the relevance. Accordingly, the Examiner has placed the IDSs in the file, but has not considered the information.

Applicant understands that the IDSs previously submitted include a very large number of references. Accordingly, Applicant would like to submit a more limited subset of the previously filed references to facilitate prosecution of the Application.

Sherry Schumm (Reg. 49,322) conducted a brief telephone conversation with Examiner Jack Chen regarding this issue on July 23, 2003. During the conversation, Mrs. Schumm

proposed that Applicant submit a subset of the previously cited references with a new IDS. Applicant will be submitting the new IDS within approximately one week of submitting this Response. Applicant requests that the Examiner please defer further examination of the Application until the Examiner has received the new IDS. For each reference where a statement of relevance is required under 37 CFR 1.98(a)(3), and where Applicant believes it will facilitate prosecution of the Application, Applicant will submit such a statement of relevance with the new IDS.

Claims 70-75

The Office Action indicates that claims 70-75, which were submitted with response filed Jan. 30, 2003, have been withdrawn from consideration, because the Examiner believes that the invention of claims 70-75 is independent or distinct from the originally filed claims. Applicant reserves the right to reintroduce withdrawn claims 70-75 in a later filed application.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6904) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,



WENDELL P. NOBLE JR. ET AL.

By their Representatives,

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Date

July 23, 2003

By

Daniel J. Kluth  
Daniel J. Kluth  
Reg. No. 32,146

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 23rd day of July, 2003.

Name

Amy Moriarty

Signature

Amy Moriarty

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